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Title	:	SYSTEM AND METHOD FOR FUNNELING USER RESPONSES IN AN INTERNET VOICE PORTAL SYSTEM TO DETERMINE A DESIRED ITEM OR SERVICE
Attorney Docket No.	:	QUAC0006

April 27, 2009

MAIL STOP: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
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BRIEF ON APPEAL

Appellant's brief on appeal concerning the above-identified patent application

follows.

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REAL PARTY IN INTEREST

The real party in interest is AOL LLC, a Delaware Limited Liability Company having a principal place of business at 22000 AOL Way, Dulles, Virginia, 20166.

RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, judicial proceedings, or interferences known to the appellant which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

As to all claims in the application, the status is as follows:

- Claims 1-27, 31 and 32 have been previously withdrawn. Claim 28-30 and 33-35 are rejected. The rejection of each of claims 28-30 and 33-35 is being appealed.

STATUS OF AMENDMENTS

No amendments have been made after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Concise Explanation of Subject Matter of Independent Claims

The appealed independent claims are concerned with operating an interactive user operated Internet voice portal having established multiple predetermined vertical domains of interest and a hierarchy of attributes within each vertical domain of interest from top to bottom, as set forth as follows:

Claim 28

28.   A method of operating an interactive user operated Internet voice portal having established multiple predetermined vertical domains of interest and a hierarchy of attributes within each vertical domain of interest from top to bottom, the method comprising operations of:

responsive to a user placing a telephone call to the voice portal, identifying the user and obtaining user selection of a vertical domain of interest (page 12, lines 16-21; Figure 1; page 47, lines 18-21; Figure 34) ;

performing funneling operations comprising (page 47, line 9 – page 49, line 27; Figure 34):

(a) building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest (page 47, line 28 – page 48, line 12; Figure 34) ;

(b) querying the user to choose a top-level attribute value (page 48, lines 13 – 25; Figure 34), applying speech recognition to user responses (page 12, lines 4-11; Figure 2) where recognized answers are

limited to contents of the vocabulary set (page 48, lines 13 – 25; Figure 34);

(c) until a bottom level attribute value is chosen, repeatedly performing operations comprising: (1) building an updated vocabulary set containing attribute values appropriate to the latest chosen attribute value, and (2) querying the user to choose a next-lower-level attribute value (page 48, lines 16-24; Figure 34) and applying speech recognition to user responses (page 12, lines 4-11; Figure 2) where recognized answers are limited to contents of the updated vocabulary set (page 48, lines 13 – 25; Figure 34);

responsive to a bottom level attribute being chosen, conducting an Internet search of HTML non-voice sources (page 10, line 29 – page 11, line 2) for prescribed types of information pertaining to the chosen bottom-level attribute value (page 35, line 20 – page 38, line 1, Figures 28 and 29) and, unassisted by voice extensions and enhancements to said HTML (page 9, line 23 – page 11, line 24; page 26, line 21 to page 29, line 10; page 27, line 24 to page 28, line 1; page 29, lines 24-29), audibly providing resultant information to the user via the telephone call (page 35, line 20 – page 38, line 1, Figures 28 and 29).

Claim 33

33.   A method of operating an interactive user operated Internet voice portal

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having established multiple predetermined vertical domains of interest and a hierarchy

of attributes within each vertical domain of interest from top to bottom, the method

comprising operations of:

> responsive to a user placing a telephone call to the voice portal, identifying the
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>> user and obtaining user selection of a vertical domain of interest (page 12,
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>> lines 16-21; Figure 1; page 47, lines 18-21; Figure 34);
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> performing funneling operations comprising (page 47, line 9 – page 49, line 27;
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>> Figure 34):
>>
>> (a) building a vocabulary set containing top-level attribute values
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>>> appropriate to the selected vertical domain of interest (page 47, line
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>>> 28 – page 48, line 12; Figure 34);
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>> (b) querying the user to choose a top-level attribute value (page 48, lines
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>>> 13 – 25; Figure 34) , applying speech recognition to user responses
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>>> (page 12, lines 4-11; Figure 2) where recognized answers are
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>>> limited to contents of the vocabulary set (page 48, lines 13 – 25;
>>>
>>> Figure 34);
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>>> operations comprising: (1) building an updated vocabulary set
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>>> containing attribute values appropriate to the latest chosen attribute
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>>> value, and (2) querying the user to choose a next-lower-level
>>>
>>> attribute value (page 48, lines 16-24; Figure 34) and applying
>>>
>>> speech recognition to user responses (page 12, lines 4-11; Figure

2) where recognized answers are limited to contents of the

updated vocabulary set (page 48, lines 13 – 25; Figure 34);

responsive to a bottom level attribute being chosen, conducting an

Internet search of web pages for prescribed types of information

pertaining to the chosen bottom-level attribute value (page 35, line

20 – page 38, line 1, Figures 28 and 29);

applying one or more text patterns to a web page to identify said

information and extract it (page 29, line 11 – page 35, line 10);

applying a plurality of rules to said information to construct grammatical

sentences from said information (page 29, line 11 – page 35, line

10; page 41, line 15 – page 43, line 2) and

rendering said grammatical sentences into spoken words and

communicating said spoken words to the user via the telephone call

(page 41, line 15 – page 43, line 2).

<u>Identification of Means Plus Function & Step Plus Function Claims</u>

None

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 28-30 and 33-35 were finally rejected in an office action dated December 2, 2008 ("Final Action"). The grounds of rejection to be reviewed on appeal are:

- Whether Claim 28 complies with the written description requirement as per 35 USC § 112, first paragraph

- Whether Claim 28 is indefinite for failing to particularly point out and distinctly claim the subject matter that Appellant regards as the invention, as per 35 USC § 112, second paragraph

- Whether Claims 28-30 and 33-35 are patentable under 35 USC § 103(a) over a combination of United States Patent Number 5,799,063 to Krane et al. ("Krane") and United States Patent Number 6,400,806 to Uppaluru et al. ("Uppaluru").

<u>ARGUMENTS</u>

<u>REJECTIONS UNDER 35 USC § 112, first paragraph</u>

The Examiner rejected Claim 28 under 35 USC § 112, first paragraph, for not complying with the written description requirement. More specifically, the Examiner stated that the element "unassisted by voice extensions and enhancements to said HTML" is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that Appellant had possession of the claimed invention at the time of filing. The Examiner classified this element as a negative limitation added to overcome prior art, and stated that as such it must have basis in the original disclosure. The Examiner cited MPEP § 2173.05(I) as authority for this position.

Appellant does not dispute the position that negative limitations in claims must have a basis in the original disclosure. Appellant respectfully posits, however, that such basis is present in the specification as filed. At page 26, line 21 to page 29, line 10, the specification as filed describes the extraction of data from web pages. In particular, Appellant notes the block of HTML code at page 27, line 24 to page 28, line 1. The code shown is conventional HTML code, <u>completely free of voice recognition extensions or enhancements</u>. Nevertheless, <u>even without any special enhancements or extensions</u>, the voice portal is capable of extracting data from the HTML and rendering it as speech.

Additionally, at page 29, lines 24-29, it is noted that a "page" includes "a user interface screen or similar arrangement which can be viewed by a user of the diagnostic system, such as <u>screens providing graphical or textual representations of data, messages,</u>

<u>reports and so forth</u>. Moreover, such pages may be defined by a markup language or a programming language such as Java, perl, java script, or any other suitable language" (emphasis added).   Accordingly, the "pages" from which data is extracted for being rendered as speech contain only information that would otherwise be rendered visually. It is therefore incorrect that the original disclosure provides no basis for the claim element ". . . unassisted by voice extensions and enhancements to said HTML."

The Examiner noted, and Appellant agrees, that the mere absence of a positive recitation is not basis for an exclusion.   Appellant notes, however, that MPEP § 2173.05(I), the very section cited by the Examiner, states that "<u>a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a <i>prima facie</i> case for lack of descriptive support</u>" (emphasis added).   Additionally, MPEP § 2163 states that a "newly added claim limitations must be supported in the specification through express, <u>implicit, or inherent disclosure</u>" (emphasis added). Accordingly, there is no requirement that a "negative limitation" must be literally or explicitly described in the disclosure. In other words, although a mere absence of a positive recitation is not basis for an exclusion, the basis need not be stated explicitly or literally, where, as here, the basis is implicit or inherent in the disclosure. When describing processing ordinary HTML, it is both inherent and implicit that this is done "unassisted by voice extensions and enhancements," as voice extensions and enhancements are not part of standard HTML. It is implicit that such non-standard features are not used as part of the process, absent an explicit articulation of their use.

To illustrate, it is implicit and inherent in a description of driving an ordinary

automobile that the automobile has not been modified into a boat by adding water proofing and an outboard motor, even if the description does not explicitly state that these non-standard modifications have not been preformed. It is simply implicit in the description of the standard car that such extra-ordinary features are not present, unless the description specifically states that they are. Standard HTML is analogous to a standard automobile; absent an explicit statement that non-standard extensions or enhancements (i.e., "voice extensions and enhancements") are present, it is implicit that non-standard extensions and enhancements are not used. Thus, the specification as filed provides basis for the limitation at issue.

REJECTIONS UNDER 35 USC § 112, second paragraph

Claims 28 was also rejected under 35 U.S.C § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Appellant regards as the invention. In view of the foregoing discussion, Appellant respectfully posits that this rejection is improper.

REJECTIONS UNDER 35 USC § 103(a)

Introduction

The Examiner rejected Claims 28-30 and 33-35 as being obvious in light of a combination of Krane and Uppaluru under 35 USC § 103(a). The Appellant herein addresses every rejection made by the Examiner, but it is not possible to anticipate what any future additional grounds or explanations of these or any additional rejections might be. For this reason, the Appellant reserves the right to separately address any

future additional rejections, or future grounds for or explanations of existing rejections, that might be made.

Appellant notes that the system of Krane attempts to solve the problem of providing Internet access to data that are <u>published in audio or spoken format</u>. More specifically, Krane describes a system for accessing pre-recorded audio messages over the Internet.

Similar to Krane, Uppaluru describes a system and method for accessing voice and speech data files. The voice and speech data files, as shown in Figure 9 and described at cols. 20-21, are pre-recorded audio information published specifically for access by users using a voice web browser. Additionally, as described at col. 8, lines 21-23 and 31-35, and at col. 12, lines 3-5, Uppaluru provides the capability of rendering non-voice data into spoken word in extremely limited circumstances. More specifically, Uppaluru describes a limited sub-set of the Internet, which is designated the "voice web." Uppaluru's voice web includes only web sites ("voice web pages") containing pages that have been extended with a special variant of HTML, known as HVML (Hyper Voice Markup Language). As Uppaluru puts it: "A voice web page 103 is web page specified using a navigable markup language that includes voice extensions." (Col. 5, lines 9-10). "The navigable markup language used to specify voice web pages 103 is HyperVoice Markup Language (HVML). ***HVML is a version of HTML that includes voice extensions***." (Col. 5, lines 46-48, emphasis added.) While it is possible to render textual information into spoken word using Uppaluru's system, the information must be included in an HVML page, it must be identified using a "voice tag," and it must be

further identified using a special "type" attribute that identifies the type of voice information. (See col. 8, lines 16-21). Neither HVML nor its extended tags and types for processing voice information are a part of standard HTML, but instead are special extensions and enhancements thereto. Concerning these features Uppaluru states:

> *Voice web pages 103 include HVML tags and attributes that extend HTML to facilitate publication, navigation and access to voice information*. For example, HVML specifies functions and protocols that facilitate voice and speech processing including voice authentication, speaker dependent speech recognition, voice information publishing (e.g. creating a voice form) and voice navigation. (Col. 5, lines 49-55, emphasis added.)

Additionally, using Uppaluru's system, email can also be played for a user using text-to-speech conversion. However, the email facility can only be accessed from a "personal voice web," which is a special type of voice web consisting of a "standardized collection of linked voice web pages and web forms (a special type of voice web page)" (Col. 12, lines 3-5.) Note that as described above, voice web pages are in the form of HVML.

Appellant also notes that Uppaluru's voice web pages are not accessible by a conventional web browser. Uppaluru, at col. 7, lines 27-30, states, "The additional markup tags are interpreted *by an HVML extended web browser* to enable subscribers 107 to navigate and access voice web pages over the phone or similar voice-activated device" (emphasis added). Thus, not only does Uppaluru require that pages be coded with a special extended variant of HTML, HVML, wherein content to be rendered into audio is indicated by special HVML tags, it also requires special client software in order to take advantage of the voice feature of the HVML pages.

Thus, both Krane and Uppaluru both provide audio access to only an extremely limited universe of information. In sharp contrast, Appellant's invention as claimed concerns extending voice access to the entire Internet to anyone, using convenient and readily available means such as a telephone. As illustrated for example by Figures 28 and 29 and described at, e.g., page 35, line 20 to page 38, line 1, non-spoken or non-audio information, such as text, is retrieved from the Internet and transformed into spoken output. Additionally, as described at, e.g., page 10, line 29 to page 11, line 2, this is accomplished by searching the internet for <u>HTML</u> non-voice sources of information. Thus, not only pre-recorded audio messages are accessed over the Internet, as in Kane. Furthermore, <u>any standard, non-voice, HTML content can be rendered into audio, not only pages written in HVML with its voice extensions, as required by Uppaluru.</u>

<u>Claim 28</u>

Claim 28 recites "conducting an Internet search of ***HTML non-voice sources*** for prescribed types of information pertaining to the chosen bottom-level attribute value and, ***unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call***" (emphasis added).

The Examiner admitted that Krane fails to disclose this limitation, but posited that Uppaluru does disclose this limitation. As explained above, Uppaluru only discloses rendering non-voice data into audio in the limited case of the "voice web," which includes only web sites containing pages that have been extended with HVML. Only

textual information included in an HVML page and identified using special extended tags can be rendered into spoken word by Uppaluru. Thus, Uppaluru fails to disclose or suggest "unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information [from HTML non-voice sources] to the user."

The Examiner cites Uppaluru at col. 7, lines 10-65, col. 8, lines 21-35 and col. 12, lines 3-5 as disclosing this feature, although the Examiner does not offer any explanation or analysis as to how these parts of the reference disclose the recited limitations. Col. 7 , lines 10-65 of Uppaluru discusses processing HVML pages (this section of Uppaluru is in fact identified by the title "HVML Description" at col. 7, line 10). Although Uppaluru here notes that HVML includes all the attributes of HTML, it also clearly states that HVML is an extension of HTML ("Voice web pages 103 consist of *__HTML pages that have been extended with Hyper Voice Markup Language__* (HVML)" col, 7, lines 19-21, emphasis added). This section further clarifies that although standard HTML attributes (e.g., displayed text and hyperlinks) can be processed by an ordinary web browser, the extended HVML voice tags require a special, HVML extended browser to be rendered . As Uppaluru puts it: "The *__additional markup tags__* are interpreted by an *__HVML extended web browser__* to enable subscribers 107 to navigate and access voice web pages 103." (col. 7, lines 28-30, emphasis added). Thus, this section clearly fails to disclose "audibly providing resultant information" from "HTML non-voice sources" to users "unassisted by voice extensions and enhancements to said HTML," as claim 28 recites.

Col. 8, lines 21-35 of Uppaluru, which is in a section of the patent titled "HVML

Presentation" (col. 8, line 16) again specifically described processing special HVML extended pages that include "voice tags" and a special "type" attribute that identifies the type of voice information. As Uppaluru describes these features: "Presentation of voice information is accomplished primarily by the voice tag. The voice tag has a type attribute which specifies the type of voice information to be presented." (col. 8, lines 16-21.) The Examiner cited specifically to the immediately following sentences of Uppaluru at col. 8, lines 21-35, which go on to describe specific types of voice information and their identification by the extended HVML types:

> If the type attribute has the file value, the voice information is obtained from a voice file specified by its URL. If the type attribute has the text value, the voice information is synthesized from the specified text. If the type attribute has number, ordinal, currency, date, or character value, then the voice information is generated by concatenating voice fragments from a pre-recorded indexed system voice file. If the type attribute has the stream value, then the voice information is obtained from the voice stream specified by its URL. Composition of several voice elements into a seamless voice string is accomplished by the voice-string tag.

Without the extended voice tag and its type attribute which specifies the type of voice information to be presented, the content of the page could not be rendered as voice. These special tags and types are HVML extensions, not part of standard HTML. Thus, this section also fails to disclose "audibly providing resultant information" from "HTML non-voice sources" to users "unassisted by voice extensions and enhancements to said HTML," as claim 28 recites.

The Examiner's final citation to Uppaluru for this limitation is to col. 12, lines 3-5. This citation discusses playing email for a user using text-to-speech conversion.

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However, this email text to speech conversion facility is described within the context of, and can only be accessed from within, a "personal voice web," which is a "standardized collection of linked voice web pages and voice web forms (a special type of voice web page) that form a personal service space for the subscriber." (col. 11, lines 18-21). Playing emails as audio within the extremely limited scenario of a "personal voice web does not disclose or suggest a "conducting an Internet search of HTML non-voice sources for prescribed types of information pertaining to the chosen bottom-level attribute value and, unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call," as claim 28 recites. Additionally, as described above, Uppaluru makes clear throughout that a "voice web" (as well as its sub-species a "personal voice web") includes only web sites containing pages that have been extended with HVML and contain special voice tags. Thus, because the content of the personal voice web is HVML extended, this section also fails to disclose "audibly providing resultant information" from "HTML non-voice sources" to users "unassisted by voice extensions and enhancements to said HTML," as claim 28 recites.

Appellant has studied Uppaluru in detail, and respectfully posits that nothing in Uppaluru, at the citations made by the Examiner or elsewhere, discloses or suggests rendering standard HTML non-voice sources to users unassisted by voice extensions and enhancements to said HTML. Instead, all discussion of rendering text to audio in Uppaluru is within the context of HVML with its special voice extensions and enhancements.

Furthermore, the Examiner argued, in response to Appellant's Response to a prior Official Action dated June 19, 2008, that "it appears that Appellant is arguing that Uppaluru does not teach an [SIC] searching an HTML web page format, but rather teaches searching a HVML...page." The Examiner goes on to argue that the distinction between HTML and HVML is not germane, as HVML is an extension of HTML. Appellant does not address whether or not Uppaluru teaches "searching an HTML web page" but instead argues that Uppaluru does not disclose the recited limitation "conducting an Internet search of ***HTML non-voice sources*** for prescribed types of information pertaining to the chosen bottom-level attribute value" (emphasis added). The question is not whether HVML is a type of HTML. HVML is an extended form of HTML that includes extended tags and typing to process voice data. The question is whether by searching voice web pages written in HVML, Uppaluru is disclosing conducting a search of "***HTML non-voice sources,***" as claim 28 recites. To this question the answer is clearly "no." As explained in detail above, HVML is not non-voice HTML, but a special extension of HTML designed to process voice data.

In equating HVML with non-voice HTML, the Examiner cites col. 7, lines 45-46, col. 24, lines 15-25 and col. 8, lines 2-6. Col. 7, lines 45-46 states: "An HVML web page (voice web page 103) is first and foremost an HTML page." Uppaluru goes on to explain how HVML pages have various features common to regular HTML pages. Appellant does not deny that HVML voice web pages have the features of conventional HTML pages. However, as Uppaluru makes extremely clear, HVML web pages also have additional voice features not found in conventional, non-voice HTML. As Uppaluru

puts it at col. 7, lines 18-33:

> *Voice web pages 103 consist of HTML pages that have been extended with Hyper Voice Markup Language (HVML) for easy and effective navigation and access of voice information* via a voice activated device such as an ordinary telephone. *Voice web pages 103 retain all the properties and behavior of conventional HTML pages* such as HTML markup tags, universal identifiers (URLs), and hyper-links and can be accessed by a conventional web browser using HTTP protocols from a conventional web server. *The additional markup tags are interpreted by an HVML extended web browser to enable subscribers 107 to navigate and access voice web pages 103 over the phone or similar voice activated device*. Appendix A includes a specification of HVML and voice web browser commands and is incorporated herein by reference (emphasis added).

Col. 24, lines 15-25 are from an appendix titled "HVML Specification" which details HVML, and clarifies that HVML is an extension of HTML. In fact, the beginning of this Appendix to Uppaluru states "Hyper Voice Markup Language consists of a set of extensions to existing HTML. Some of the extensions are new elements with new tags and attributes. Others are extensions to existing elements in the form of new attributes." (Col. 22, lines 8-11).

Col. 8, lines 2-6 of Uppaluru states "Once located, a web page 103 can be created, edited and played using existing web publication tools, it can be stored on any conventional web server anywhere on the Internet, it can be accessed by any conventional web browser and presented on a computer monitor." This sentence is a continuation of the paragraph of col. 7, lines 45-46, which discusses how HVML pages include those features of conventional HTML pages. Again, Appellant does not dispute

that an HVML includes those features of conventional HTML pages. The distinction is that HVML voice pages also have special extended voice features that conventional HTML pages do not have. Specifically, although Uppaluru notes that an HVML page can be "accessed by any conventional web browser and presented on a computer monitor," this is clearly referring to the text of the page being *displayed* on the monitor (conventional web browsers do not convert text to audio, nor do computer monitors play audio). As described in great detail above, Uppaluru is extremely clear that the voice content features of HVML voice pages require a special web voice browser, and are accessed via a phone. Despite the fact that HVML voice pages contain text that can be processed as text, they are written in a special extended version of HTML for processing voice. As such, an HVML voice page is not an "***HTML non-voice source.***"

Finally, the Examiner argued, also in response to Appellant's Response to the prior Official Action dated June 19, 2008, that the following sections of Uppaluru teach "presenting information to a user using a text to speech [SIC] via an HTML Internet web page browser, which is not assisted by voice extensions or enhancements:" col. 12, lines 3-5, col. 7, lines 4-46 and col. 24, lines 15-25. Although the Examiner's language is not recited in a claim, Appellant assumes Examiner's position is that these sections of Uppaluru disclose "conducting an Internet search of HTML non-voice sources for prescribed types of information pertaining to the chosen bottom-level attribute value and, unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call," as claim 28 recites. Appellant notes that the Examiner did not offer any explanation as to how these

sections of Uppaluru teach these features, but simply cites the sections without explanation.

As explained above in detail, col. 12, lines 3-5 discusses playing email for a user using text-to-speech conversion, within the context of a "personal voice web," and does not disclose or suggest rendering HTML from non-voice sources into voice "unassisted by voice extensions and enhancements to said HTML." Col. 7, lines 4-46 are part of a section titled "HVML Description," and as explained above discuss processing voice web pages that are written in extended HVML with its special voice extensions and enhancements (technically, this section beings on col. 7, line 10, but nothing in col. 7, lines 4-9 discusses rendering text into voice). Finally, col. 24, lines 15-25 are from an appendix titled "HVML Specification" which details HVML, and clarifies that HVML is an extension of HTML. As noted above, the beginning of this Appendix to Uppaluru states "Hyper Voice Markup Language consists of a set of extensions to existing HTML. Some of the extensions are new elements with new tags and attributes. Others are extensions to existing elements in the form of new attributes." (Col. 22, lines 8-11). Thus, clearly these citations concern rendering HVML, which is an extension to HTML and includes special new and extended elements, into audio, and not rendering HTML from non-voice sources into voice "unassisted by voice extensions and enhancements to said HTML."

Therefore, the present rejection of Claim 28 is improper because the Examiner has failed to show that the combination teaches or suggests each and every element of Claim 28. In fact, Uppaluru explicitly teaches away from the subject matter of claim 28.

Appellant notes that at col. 7, lines 11-33, Uppaluru takes great pains to distinguish voice web pages from conventional web pages, discussing the shortcomings of conventional HTML web pages and explaining why they are unsuitable for telephone users.   Claim 28 is therefore deemed allowable over the combination Krane and Uppaluru.

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP § 2143.033, quoting *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). In view of their dependence from an allowable parent, Claims 29-30 are deemed allowable without any separate consideration of their merits.

Claim 33

The method recited by claim 33 identifies information in any web page, voice-enabled or not, extracts the information, applies a plurality of rules to the information, and renders it into spoken word as grammatically-correct sentences. Specifically, Claim 33 recites "applying one or more text patterns to a web page to identify said information and extract it" and "applying a plurality of rules to said information to construct grammatical sentences from said information." The Examiner admitted that Krane does not disclose these limitations, but posited that Uppaluru does so, at col. 12, lines 3-5). As noted above, Uppaluru at col. 12, lines 3-5 discusses playing email for a user using text-to-speech conversion, within the context of a "personal voice web." A "personal voice web" is a "standardized collection of linked voice web pages" (col. 11, lines 18-21).

The Examiner stated that as the text is extracted from an email and played back as audio, the text is parsed and "one or more text patterns" are applied "to... identify said information and extract it." However, nothing in Uppaluru discloses or suggests applying any type of text patterns to the email (or any other textual content being rendered into voice) to extract it. As noted above, Uppaluru only has the capability of rendering text as speech where the text is in the form of an HVML page, denoted by "voice tags." When rendering content from HVML web pages into voice, Uppaluru's system lacks any capability that remotely resembles <u>applying one or more text patterns to a web page to identify said information and extract it</u>. Uppaluru's voice web browser simply parses the markup code of a web page and renders any content enclosed within voice tags into speech.

Even assuming for the sake of argument that Uppaluru's rendering of email text into voice discloses ""applying one or more text patterns to a web page to identify said information and extract it," as per the Examiner's position, nothing in Uppaluru remotely suggests "applying a plurality of rules to said information to construct grammatical sentences from said information," as claim 33 also recites. Uppaluru neither suggests or discloses any formatting or other transformation of the textual data. Thus, for Uppaluru to convey data in grammatically-correct sentences, the text would have to be pre-formatted as those sentences. Clearly, merely converting the text of an email (or a web page) as it is written into audio does not disclose "applying a plurality of rules to said information to construct grammatical sentences from said information." Appellant notes that the Examiner made no argument as to how the cited section (or any other part of

Uppaluru) discloses this limitation, but merely cited col. 12, lines 3-5 as so disclosing without explanation. There is no suggestion or disclosure in Uppaluru, at the cited section of elsewhere, of constructing grammatical sentences by applying rules to information that has been extracted from a web page by applying text patterns to the web page.

Thus, the combination of Krane and Uppaluru fails to teach or suggest all elements of Claim 33. Claim 33 is therefore deemed allowable over the combination. In view of their dependence from an allowable parent, Claims 34-35 are deemed allowable without any separate consideration of their separate merits.
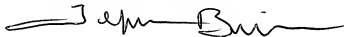
OTHER GROUNDS OF REJECTION

None.

CONCLUSION

For the foregoing reasons, the claims in the present application are patentably distinguished over the cited reference. Accordingly, the Examiner should be reversed and ordered to pass the case to issue.

The Commissioner is authorized to charge any fees due to the Glenn Patent Group Deposit Account No. 07-1445, Customer No. 22862 (Attorney Docket No. SYMA0012).

Respectfully submitted,

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CLAIMS APPENDIX

28.   A method of operating an interactive user operated Internet voice portal having established multiple predetermined vertical domains of interest and a hierarchy of attributes within each vertical domain of interest from top to bottom, the method comprising operations of:

responsive to a user placing a telephone call to the voice portal, identifying the user and obtaining user selection of a vertical domain of interest;

performing funneling operations comprising:

(a) building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest;

(b) querying the user to choose a top-level attribute value, applying speech recognition to user responses where recognized answers are limited to contents of the vocabulary set;

(c) until a bottom level attribute value is chosen, repeatedly performing operations comprising: (1) building an updated vocabulary set containing attribute values appropriate to the latest chosen attribute value, and (2) querying the user to choose a next-lower-level attribute value and applying speech recognition to user responses where recognized answers are limited to contents of the updated vocabulary set;

responsive to a bottom level attribute being chosen, conducting an Internet search of HTML non-voice sources for prescribed types of

information pertaining to the chosen bottom-level attribute value

and, unassisted by voice extensions and enhancements to said

HTML, audibly providing resultant information to the user via the

telephone call.

29.   The method of claim 28, where:

the funneling operation is performed if the voice portal has not previously stored

any attribute value preferences of the user for the selected vertical domain

of interest;

the funneling operation is additionally performed if the voice portal has previously

stored any attribute value preferences of the user for the selected vertical

domain of interest, but the user has opted to override the stored attribute

value preferences.

30.   The method of claim 28, where:

the funneling operation is only performed if the voice portal has not previously

stored any attribute value preferences of the user for the selected vertical

domain of interest;

the operations further comprise, if the voice portal has previously stored any

attribute value preferences of the user for the selected vertical domain of

interest, instead of the funneling operation, performing an operation of

conducting an Internet search for prescribed types of information

pertaining to the stored attribute value preferences.

33.   A method of operating an interactive user operated Internet voice portal
having established multiple predetermined vertical domains of interest and a hierarchy
of attributes within each vertical domain of interest from top to bottom, the method
comprising operations of:

responsive to a user placing a telephone call to the voice portal, identifying the
user and obtaining user selection of a vertical domain of interest;

performing funneling operations comprising:

(a) building a vocabulary set containing top-level attribute values
appropriate to the selected vertical domain of interest;

(b) querying the user to choose a top-level attribute value, applying
speech recognition to user responses where recognized answers
are limited to contents of the vocabulary set;

(c) until a bottom level attribute value is chosen, repeatedly performing
operations comprising: (1) building an updated vocabulary set
containing attribute values appropriate to the latest chosen attribute
value, and (2) querying the user to choose a next-lower-level
attribute value and applying speech recognition to user responses
where recognized answers are limited to contents of the updated
vocabulary set;

responsive to a bottom level attribute being chosen, conducting an

Internet search of web pages for prescribed types of information

pertaining to the chosen bottom-level attribute value;

applying one or more text patterns to a web page to identify said

information and extract it;

applying a plurality of rules to said information to construct grammatical

sentences from said information; and

rendering said grammatical sentences into spoken words and

communicating said spoken words to the user via the telephone

call.

34.   The method of claim 33, where:

the funneling operation is performed if the voice portal has not previously stored

any attribute value preferences of the user for the selected vertical domain

of interest;

the funneling operation is additionally performed if the voice portal has previously

stored any attribute value preferences of the user for the selected vertical

domain of interest, but the user has opted to override the stored attribute

value preferences.

35.   The method of claim 33, where:

the funneling operation is only performed if the voice portal has not previously

stored any attribute value preferences of the user for the selected vertical

domain of interest;

the operations further comprise, if the voice portal has previously stored any

attribute value preferences of the user for the selected vertical domain of

interest, instead of the funneling operation, performing an operation of

conducting an Internet search for prescribed types of information

pertaining to the stored attribute value preferences.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.